

REMARKS

Claims 1-20 are pending. Of these, claims 1 and 12-15 are written in independent format.

§ 103 REJECTION

Beginning on page 2 of the Office Action, claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,734,788 to Nonomura et al. (“the Nonomura ‘788 Patent”) in view of U.S. Patent Publication No. 2004/0220791 to Lamkin et al. (“the Lamkin ‘791 Pub.”), and further in view of U.S. Patent No. 6,356,971 to Katz et al. (“the Katz ‘971 Patent”). This rejection is traversed.

Applicant’s understanding is that the Examiner has relied upon the Katz ‘971 patent as if it teaches locating a title management information file in a given directory area different from the playlist directory area. Specifically, the Examiner interprets (see page 6 of the Office Action) the Katz ‘971 patent as follows:

Katz et al[.] discloses a system wherein information is stored on various directories as seen in Figure 4b. The management information, playlist information and other track information are each separately stored in different directories as further described in Column 7 Lines 23-51 such as title directory area.

In other words, the Examiner acknowledges that a first combination of the Nonomura ‘788 patent and the Lamkin ‘791 PGPub differs from claim 1 (for example) by not locating a title management information file in a given directory area different from the playlist directory area. However, the Examiner believes that this difference is taught by the Katz ‘971 patent and further believes that the skilled artisan would have modified the first combination to adopt the asserted teaching of the Katz ‘971 patent (resulting in a second combination), thus rendering claim 1 obvious. Applicant disagrees with the Examiner’s rationale.

Applicant will assume for the sake of argument that some portion of the Nonomura ‘788 patent would have been modified according to the Lamkin ‘791 PGPub to produce the first

combination, and that some portion of the first combination would have been modified according to some portion of the Katz '971 patent to produce the second combination.

The Katz '971 patent teaches a program 200 running on a PC 110 that is connected to one or more CD-ROM changer units 120. The program 200 includes several databases that accumulate information from the plurality of CD-ROMs loaded in CD-ROM changer unit 120.

The Examiner relies, among other portions, upon FIG 4B to support his interpretation of the Katz '971 patent. FIG 4B depicts a view that would appear on a GUI 220. Such a view includes a conventional tree directory representation of resources connected to PC 110 such as "3 1/2 Floppy (A:)," "Quantum1 (C:)," "95d (D:)," an instance of CD-ROM changer unit 120, namely "CDJ-C50S (E:)," etc. The resource CDJ-C50S (E:) is depicted in an expanded (as opposed to collapsed) manner so as to depict the instances of CD-ROMs loaded therein, namely "[25] AOL Install disc," "[27] Audio CD," "[28] VS_ST_FC1," [29] VS_ST_FC1" and "[30] WORLDNET." Of those, the "[30] WORLDNET" has been selected so that additional information about it is displayed in the "Current Disc" tab 444.

Again, it is in FIG 4B and its description in Column 7, Lines 23-51, that the Examiner interprets the Katz '971 patent as a teaching to locate a title management information file in a given directory area different from the playlist directory area. Assuming for the sake of discussion that the Katz '971 patent teaches a title management file, and further teaches locating such a file in a directory other than a playlist directory area, it must not be ignored where the title management file is located. The Katz '971 patent teaches locating the title management file database 230 on PC 110, not on the CD-ROM to which the information in the title management file pertains.

A distinction over the first combination (namely the Nonomura '788 patent and the Lamkin '791 PGPub) as modified according to the Katz '971 patent (again resulting in the second combination) of claim 1 is that the given directory area containing the title management file and the playlist directory area that are included in the data structure are both located on the same optical disc recording medium. As explained, the second combination locates a title management file somewhere other than on the CD-ROM to which the information in the title management file pertains. In that regard, the Katz '971 patent teaches away from locating the

given directory area containing the title management file on the same optical disc as the playlist directory area.

Independent claims 12-15 recite features similar to the noted distinction of claim 1, respectively, and thus at least similarly distinguish over the second combination.

Claims 2-11 and 16-20 depend at least indirectly from claims 1 and 12-15, respectively, and thus at least similarly distinguish over the second combination.

By failing to disclose each element of the rejected claims, the second combination cannot be regarded as a proper basis for an obviousness rationale. Hence, the §103(a) rejection is improper and its withdrawal is requested.

CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.


If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:


Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TLC/TSA/cm:tsc